REMARKS

Claims 1-11 are pending in the present application, claim 11 having been added herein. The Office Action and cited references have been considered. Favorable reconsideration is respectfully requested.

Claims 1-10 were rejected under 35 U.S.C. 103 as being unpatentable over Lane, Jr. (US Patent No. 5,5512,883) in view of Burks, Jr. (US Patent No. 4,195,291). This rejection is respectfully traversed for the following reasons.

According to the present invention, a load indicator is provided which may be connected to a range of different motors having different characteristics. In such cases, it may not be possible to rely on a pre-programmed load limit or limits, and presetting the load limit of different load indicators may be very time consuming. The present invention endeavors to solve these problems.

In particular, claim 1 recites a load indicator for an electric motor, comprising a first means (II, IU, CPU) for repeated determination of the motor load, a second means (CPU) for comparing the current motor load, as determined by the first means, with a preset load limit, a third means (CPU, PP) for indicating that the current motor load exceeds the load limit, a means (T, CPU) for initiating a presetting of the

load limit as the current motor load changed by a predetermined deviation value stored in the load indicator. The initiating means is adapted to be manually actuated as the motor runs in normal operation. This is not taught, disclosed or made obvious by the prior art of record.

Applicant notes that claim 1 has been amended to indicate that the initiating means is manually actuated as the motor runs in normal operation. Support for this amendment is implicitly found at page 3, line 36 to page 4, line 3 of the application as filed. In addition, applicants have added dependent claim 11. Support for this new claim is implicitly found on page 3, lines 36 to page 4, line 3 of the present application. Other minor amendments have been made to the claims to place them in conformance with U.S. practice.

Lane Jr. describes a method and a device for monitoring the operation of a motor. Cyclic control flow is implemented. During each cycle, if the motor has been running for more than 10 seconds, the current to the motor is measured and the measured current is checked to find out if it is in the "normal range". If the measured current is not within the "normal range", the current is checked to determine whether the current exceeds a predetermined limit based on the motor current that is safe for the hardware components. The device is arranged to dynamically update high and low thresholds as a

function of the stabilized current to adapt to changing operating conditions during each cycle.

Burkes Jr. describes a rotational sensor wherein the limits of deviation from a preset rotation may be digitally introduced into a control circuit.

Applicant respectfully submits that Lane Jr. does not disclose or suggest any initiating means for presetting a load limit that is adapted to be manually actuated as the motor runs in normal operation. Specifically, the technology described in Lane Jr. is arranged to dynamically update current thresholds in order to adapt to changing operating conditions and not to preset a load limit as provided for in the present claimed invention.

Burks Jr. also does not present any initiating means for presetting a load limit that is adapted to be manually actuated as the motor runs in normal operation. In studying Lane Jr., the ordinarily skilled person is not taught to alter the implementation or add any features for reaching a solution as the one presently claimed in claim 1. Quite the contrary, the skilled person is taught to implement a system that dynamically updates current thresholds. Further, there is nothing in Lane Jr. or Burks Jr. suggesting a motivation for combining these references. The fact that Burks Jr. describes

a rotational sensor rather teaches the skilled person away from such a combination.

Further, the Examining apparently agrees that Burks Jr. does not detect motor current. However, the Examiner asserts, without support, that the motor rotation and current are related to motor power therefore both components are detectable. The fact that such components may or may not be detectable is irrelevant to whether or not detecting motor current is specifically or inherently taught by Burks Jr. Applicant respectfully submits that as the Examiner has acknowledged, it is not.

For the above reasons, Applicant respectfully submits that even, assuming for the sake of argument that one of ordinary skill in the art would have been motivated to combine the references despite the teachings found therein, the combination would not yield the Applicant's invention as recited in claim 1, because neither document describes all the features of claim 1.

For at least this reason, Applicant respectfully submits that claim 1 is patentable over the prior art of record whether taken alone or in combination as proposed in the Office Action.

With regard to claims 2 and 3, the Office Action acknowledges that Lane Jr. and Burks Jr. do not specifically disclose that the deviation value as stored as a percentage number which is multiplied by the current or power. The Office Action asserts however that it would have been obvious to one of ordinary skill in the art "to use a factor number for a stored deviation value, since the deviation value is a small value, compares to the normal operator motor current." Applicant respectfully disagrees. Only with hindsight reference to Applicant's disclosure and claims could one of ordinary skill in the art have been motivated to change the teachings of Lane Jr. and Burks Jr. to come up with the invention recited in claims 2 and 3. Applicant respectfully submits that the PTO has not sustained its burden of establishing a *prima facie* case of obviousness by pointing to the teachings found in the cited prior art which correspond to or suggest Applicant's claimed invention. For these reasons, Applicant respectfully submits that claims 2 and 3 are patentable in and of themselves and as they depend from and include the recitations of claim 1 which is patentable for the reasons discussed above.

With respect to claims 4-10, the Office has merely asserted that the modifications required to the references would have been obvious to one of ordinary skill in the art.

Applicant respectfully submits that such modification would have only been obvious to one of ordinary skill in the art with impermissible hindsight reference to Applicant's disclosure and claims. For this reason, Applicant respectfully submits that claims 4-10 are patentable in and of themselves as they depend from and include the recitations of claim 1 which is patentable for the reasons discussed above.

In view of the above amendments and remarks, Applicant respectfully requests reconsideration and withdrawal of the outstand rejections of record. Applicant submits that the application is in condition for allowance and early notice to this effect is most earnestly solicited.

If the Examiner has any questions, he is invited to contact the undersigned at (202) 628-5197.

Respectfully submitted,

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